REMARKS/ARGUMENTS

These remarks are responsive to the Final Office Action ("Office Action") mailed on October 27, 2008. In this response, claims 1, 5-7, 11-13, 17, 18, and 24-26 have been amended. No new matter has been added. Entry of the amendments to claims 1, 5-7, 11-13, 17, 18, and 24-26 is respectfully requested. Applicant also respectfully requests reconsideration of the outstanding rejection of claims 1, 5-7, 11-13, 17, 18, and 24-26 for at least the following reasons.

I. THE OBVIOUSNESS REJECTION OF CLAIMS 1, 5-7, 11-13, 17, 18, AND 24-26

On page 4 of the Office Action, claims 1, 5-7, 11-13, 17, 18, and 24-26 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,289,389 to Kikinis ("Kikinis") in view of U.S. Patent Application Publication No. 2002/0106086 to Kamiya et al. ("Kamiya"). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). There are four separate factual inquiries to consider in making an obviousness determination: (1) the scope and content of the prior art; (2) the level of ordinary skill in the field of the invention; (3) the differences between the claimed invention and the prior art; and (4) the existence of any objective evidence, or "secondary considerations," of non-obviousness. Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966); see also KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007). An "expansive and flexible approach" should be applied when determining obviousness based on a combination of prior art references. KSR, 127 S. Ct. at 1739. However, a claimed invention combining multiple known elements is not rendered obvious simply because each element was known independently in the prior art. Id. at 1741. Rather, there must still be some "reason that would have prompted"

a person of ordinary skill in the art to combine the elements in the specific way that he or she did. Id.; In re Icon Health & Fitness, Inc., 496 F.3d 1374, 1380 (Fed. Cir. 2007). Also, modification of a prior art reference may be obvious only if there exists a reason that would have prompted a person of ordinary skill to make the change. KSR, 127 S. Ct. at 1740-41.

Regarding claim 1, the Examiner asserts that an embodiment of the claimed invention would have been obvious in view of Kikinis and Kamiya. Applicant respectfully disagrees. However, in order to forward the present application toward allowance, Applicant has amended claim 1 to more specifically define an embodiment of the claimed invention. In particular, Applicant respectfully submits that Kikinis fails to disclose, or even suggest, a method for requesting and securely receiving data from the Internet comprising "selecting and addressing said second set of data packets for transmission at a second transmission time via a satellite delivery system, wherein the second transmission time is different from the first transmission time, and automatically attaching a second address to said second set of data packets," as claimed. In contrast, Kikinis merely discloses that once a data packet (e.g., first set of data packets) is queued in up-link server 31, the data packet (e.g., first set of data packets) is tagged with the appropriate IP address for identification. *See*, e.g., column 6, lines 28-32. Kikinis also discloses that data packet may be encrypted for security and a decryption key may be sent back to the user. *See*, e.g., column 6, lines 33-35. Applicant respectfully submits that nowhere does Kikinis disclose, or even suggest, "automatically attaching a second address to said second set of data packets," as claimed.

Also, the Examiner asserts that Kikinis discloses "packetizing said collected data into at least two sets of data packets, wherein a first set of data packets comprises encrypted data and a

second set of data packets comprises a key for decoding said encrypted data," as claimed. Applicant respectfully disagrees. In contrast, Kikinis merely discloses that the once the data packet is queued in up-link server 31 and tagged with the appropriate IP address, the data packet is encrypted for security and a decryption key may be sent back to the user. *See*, e.g., column 6, lines 28-34. Applicant respectfully submits that nowhere does Kikinis disclose, or even suggest, that the data packet is packetized into an encrypted data packet and a decryption key to send back to the user. Thus, Applicant respectfully submits that Kikinis fails to disclose, or even suggest, "packetizing said collected data into at least two sets of data packets, wherein a first set of data packets comprises encrypted data and a second set of data packets comprises a key for decoding said encrypted data," as claimed.

The Examiner further asserts that Kikinis discloses that encrypted data and key are transmitted via modem and satellite, respectively. Applicant respectfully disagrees. Kikinis fails to disclose, or even suggest, that the key is transmitted via a satellite system to a user. In contrast, Kikinis specifically discloses that decryption key is "sent back to the user via digital link 53 of FIG. 1 to proxy-server 29 and back through digital link 20, PSTN cloud 15, analog link 18 through analog modem 17 and into the users PC." *See*, e.g., column 6, lines 33-37. Therefore, Kikinis discloses that the decryption key is transmitted through a public switch telephone network and not "via a satellite delivery system," as required by the claims. In addition, Applicant respectfully submits that it is the data packets that are handled individually and can be sent by land and satellite at the same time, and not the decryption key.

In addition, the Examiner asserts, and Applicant agrees, that Kikinis fails to disclose, or even suggest, at least the steps of transmitting the first set of data packet "at a first transmission

time via the Internet," and transmitting the second set of data packets "at a second transmission time via the satellite delivery system, wherein the second transmission time is different from the first transmission time," as presently claimed. Instead, the Examiner relies on Kamiya to remedy the deficiencies of Kikinis. Specifically, the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Kamiya within the system of Kikinis. Applicant respectfully disagrees. The Office Action fails to establish a prima facie case of obviousness, in particular, the Kamiya teaches away from Kikinis. Specifically, Kikinis appears to disclose a data delivery system using an Asymmetric Point to Point Protocol (APPP), wherein PPP (e.g., data link protocol used to establish a direct connection between two nodes) is used with a selective multi-link capability installed in proxy-server 29, thereby giving it an ability to select from alternative routes back to the user, based on available information at the time the decision is made. *See,* e.g., column 5, lines 13-23. In contrast, Kamiya discloses a data delivery system using a point to multipoint delivery network suitable for delivering large quantities of data at high speed in broadband environment. *See,* e.g., paragraph [0075]. Therefore, one having ordinary skill in the art at the time the invention was made would NOT have utilized the point to multipoint delivery network of Kamiya for the point to point data delivery network of Kikinis. The Office Action fails to provide any motivation to combine these two disparate systems.

Further, Applicant respectfully submits that Kikinis discloses that "once the encryption process has taken place and the key has been sent via land, the data packet proceeds through digital link 55 to satellite sending dish 45 where it is broadcast to home receiving dish 23." *See,* e.g., column 6, lines 36-41. Therefore, Kikinis discloses delivering the key and the data

simultaneously via different networks. In contrast, Kamiya discloses that content and key information are delivered at different times, for example, hours or days apart. *See,* e.g., paragraph [0023]. Therefore, one having ordinary skill in the art at the time the invention was made would NOT have combined transmission of content and key at different times of Kamiya for the simultaneous transmission of content and key of Kikinis.

Moreover, Applicant respectfully submits that Kikinis discloses an Internet delivery system having a modem-connected land based Internet connection through a public-switched telephone network (PSTN), and a satellite transmission system. *See,* e.g., column 3, lines 46-50. In contrast, Kamiya discloses a high-speed multipoint delivery network and a storage medium of magnetically readable medium, an optically readable medium, and a semiconductor memory delivered by postal service, home delivery service, or other conventional delivery services. Therefore, one having ordinary skill in the art at the time the invention was made would NOT have utilized the postal service of Kamiya for the public switched telephone network (PSTN) of Kikinis. Accordingly, is it respectfully submitted that claim 1 is allowable over Kikinis in view of Kamiya.

Regarding claims 5 and 6, these claims are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 5 and 6 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claims 7 and 13, these claims recite subject matter related to claim 1. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claims 7 and 13.

Accordingly, it is respectfully submitted that claims 7 and 13 are allowable over Kikinis in view of Kamiya for the same reasons as set forth above with respect to claim 1.

Regarding claims 11, 12, 17, and 18, these claims are dependent upon independent claims 7 and 13. Thus, since independent claims 7 and 13 should be allowable as discussed above, claims 11, 12, 17, and 18 should also be allowable at least by virtue of their dependency on independent claims 7 and 13. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claim 24, the Examiner asserts that an embodiment of the claimed invention would have been obvious in view of Kikinis and Kamiya. Applicant respectfully disagrees. However, in order to forward the present application toward allowance, Applicant has amended claim 24 to more specifically define an embodiment of the claimed invention. In particular, Applicant respectfully submits that Kikinis fails to disclose, or even suggest, a method for requesting and securely receiving data from the Internet comprising "selecting and addressing said first set of data packets for transmission at a first transmission time via a first channel of a transmission mode at a first frequency," and "selecting and addressing said second set of data packets for transmission at a second transmission time via a second channel of a transmission mode at a second frequency," as claimed. In contrast, Kikinis discloses that a decryption key may be sent back to the user via digital link 53 to proxy server 29 and back through digital link 20, PSTN cloud 15, analog link 18 through analog modem 17 and into the user PC. *See*, e.g., column 6, lines 34-37. Kikinis also discloses that the data packet proceeds through digital link 55 to satellite sending dish 45 where it is broadcast to home receiving dish 23, where it is picked up by satellite modem 21 through cable 27 and downloaded into PC 19. *See*, e.g., column 6,

lines 39-42. Therefore, Applicant respectfully submits that Kikinis discloses that the encrypted data packet and the decryption key are transmitted via different transmission modes (e.g., land transmission and satellite transmission) and fails to disclose, or even suggest, "selecting and addressing said first set of data packets for transmission at a first transmission time via a first channel of a transmission mode at a first frequency," and "selecting and addressing said second set of data packets for transmission at a second transmission time via a second channel of a transmission mode at a second frequency," as claimed.

Regarding claims 25 and 26, these claims recite subject matter related to claim 24. Thus, the arguments set forth above with respect to claim 24 are equally applicable to claims 25 and 26. Accordingly, it is respectfully submitted that claims 25 and 26 are allowable over Kikinis in view of Kamiya for the same reasons as set forth above with respect to claim 24.

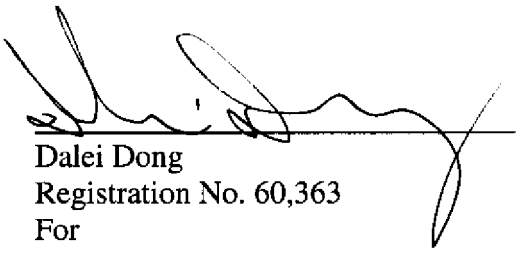
In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 5-7, 11-13, 17, 18, and 24-26 be withdrawn.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance and respectfully requests a notice of allowance for the pending claims. Should the Examiner determines that any further action is necessary to place this application in condition for allowance, the Examiner is kindly requested and encouraged to telephone Applicant's undersigned representative at the number listed below.

It is believed that no fees are due in connection with this response. However, if any fees are determined to be due, the Commissioner is hereby authorized to charge these fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS LLP

By: 
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